

MINUTES

STATE BOARD OF EDUCATION

Ladislaus B. Dombrowski Board Room
John A. Hannah Building
608 West Allegan
Lansing, Michigan

February 27, 2003
1:30 p.m.

Present: Mr. Thomas D. Watkins, Jr., Chairman
Mrs. Kathleen N. Straus, President
Mrs. Sharon L. Gire, Vice President
Mrs. Carolyn L. Curtin, Secretary
Dr. Herbert S. Moyer, Treasurer (via telephone)
Mrs. Marianne Yared McGuire, NASBE Delegate
Mr. John C. Austin
Mrs. Elizabeth W. Bauer
Mrs. Eileen Lappin Weiser (via telephone)
Mr. Michael Flanagan, representing Governor Jennifer M. Granholm, ex officio

I. CALL TO ORDER

Mr. Watkins called the meeting to order at 1:30 p.m.

II. AGENDA MATERIALS PROVIDED TO THE BOARD

- A. Michigan Virtual University Summary Report on the Michigan Virtual High School (MVHS) Project
- B. Budget Update
- C. Revised Page 7 of State Board of Education Meeting Minutes of January 23, 2003
- D. Update on Legislative Activities
- E. Report on Consent Agenda
- F. Adoption of Resolution Regarding Parenting Awareness Month
- G. 2002-2003 Off-Road Vehicle Rider and Safety Education Program – Initial

III. INFORMATIONAL MATERIALS PROVIDED TO THE BOARD

- A. Information on Nominations to the Special Education Advisory Committee

IV. APPROVAL OF AGENDA AND ORDER OF PRIORITY

- A. Discussion on Proposed Resolution of the Michigan State Board of Education Regarding Testing of Limited English Proficient Students – added to agenda
- B. Adoption of Resolution Honoring Susan Perkowski Anderson – added to agenda
- C. Adoption of Resolution Honoring Kathleen (Kate) McAuliffe – added to agenda
- D. Adoption of Resolution Honoring Dorothy (Dot) VanLooy – added to agenda
- E. Report on Teacher Certification Revocation – added to agenda
- F. Report on Property Transfers – added to agenda
- G. 2002-2003 United States Department of Education, Charter School Grant Program – Initial – added to agenda
- H. 2002-2003 Off-Road Vehicle Rider and Safety Education Program – Initial – added to agenda

Mrs. Bauer moved, seconded by Mrs. Curtin, that the State Board of Education approve the agenda and order of priority, as modified.

Ayes: Austin, Bauer, Curtin, Gire, McGuire, Straus
Absent: Moyer, Weiser

The motion carried.

V. INTRODUCTION OF STATE BOARD OF EDUCATION MEMBERS AND GUESTS

Mrs. Eileen Hamilton, State Board Executive, introduced the members of the State Board of Education and guests attending the meeting.

Mrs. Weiser joined the meeting via telephone at 1:40 p.m.

VI. APPROVAL OF STATE BOARD OF EDUCATION MINUTES

- A. Approval of Record of State Board of Education Retreat of January 16-17, 2003

Mrs. Bauer moved, seconded by Mrs. Weiser, that the State Board of Education approve the Record of State Board of Education Retreat of January 16-17, 2003.

Ayes: Austin, Bauer, Curtin, Gire, McGuire, Straus, Weiser
Absent: Moyer

The motion carried.

- B. Approval of Record of Committee of the Whole Meeting of January 23, 2003.

Mrs. Gire moved, seconded by Mrs. Curtin, that the State Board of Education approve the Record of the Committee of the Whole Meeting of January 23, 2003.

Ayes: Austin, Bauer, Curtin, Gire, McGuire, Straus, Weiser
Absent: Moyer

The motion carried.

- C. Approval of Minutes of Meeting of January 23, 2003.

Mrs. McGuire moved, seconded by Mr. Austin, that the State Board of Education approve the Minutes of Meeting of January 23, 2003.

Ayes: Austin, Bauer, Curtin, Gire, McGuire, Straus, Weiser
Absent: Moyer

The motion carried.

VII. PUBLIC PARTICIPATION IN STATE BOARD OF EDUCATION MEETING

- A. Ms. Mary T. Wood, 27533 Santa Ana, Warren, Michigan 48093. Ms. Wood offered comments regarding management companies opening charter schools. Ms. Wood also shared information on curriculum choices offered to her children at Center Line High School, a Michigan Blue Ribbon School.
- B. Reverend William Stein, P.O. Box 2632, Kalamazoo, Michigan 49003. Ms. Linda L. Cypret-Kilbourne, 23225 H Drive North, Marshall, Michigan 49068. Reverend Stein and Ms. Cypret-Kilbourne shared comments and provided videotapes, newspaper clippings, and written information on

educational discrimination of Native Americans through use of Indian symbols, mascots, logos and nicknames used in Michigan public schools. Mrs. Straus said she would appoint a committee of State Board members to work with the Office of Civil Rights to address the issue and make recommendations to the State Board of Education.

VIII. PRESIDENT'S REPORT

A. Teacher of the Year at Board Table

Mrs. Straus welcomed Mrs. Sue Gutierrez, 2002-2003 Michigan Teacher of the Year, to the Board table. Mrs. Straus said that beginning today, the Teacher of the Year will be sitting at the Board table as a non-voting member serving in an advisory capacity. Mrs. Straus introduced Mr. Jack Greiner, father of Mrs. Gutierrez, stating that he has been tutoring a Bosnian student for eight years on a volunteer basis.

B. National Librarian of Canada

Mrs. Straus said she and Mrs. Gire attended a dinner on February 26, 2003, honoring Mr. Roch Carrier, National Librarian of Canada. Mrs. Straus said Mr. Carrier is a world-renowned writer, educator, arts advocate, and administrator.

C. Arts Academy in the Woods

Mrs. Straus said that she, Mrs. Gire, Mr. Watkins, and Ms. Wong visited the Arts Academy in the Woods in Warren on February 24th. She said the Academy currently has 165 students in 9th and 10th grades from Wayne, Oakland, Macomb, and St. Clair counties, and plans to enroll 11th grade students next school year. She said the Academy is doing an excellent job of providing education as a public school academy chartered by the Macomb Intermediate School District. She said management is provided by the Warren Woods School District.

D. Mary Wood's Tireless Efforts

Mrs. Straus said Mary Wood has worked diligently using her own resources, and she's been a great help in providing information on Public School Academies to the Department of Education.

Mrs. Gire moved, seconded by Mrs. Curtin, that the agenda be modified by adding the Presentation on Peer Review of Accountability Workbook from the morning Committee of the Whole Meeting to the Regular Meeting Discussion on Proposed Resolution of the Michigan State Board of Education Regarding Testing of Limited English Proficient Students.

Ayes: Austin, Bauer, Curtin, Gire, McGuire, Straus, Weiser
Absent: Moyer

The motion carried.

Dr. Moyer joined the meeting via telephone at 2:25 p.m.

IX. PEER REVIEW OF ACCOUNTABILITY WORKBOOK AND PROPOSED
RESOLUTION OF THE MICHIGAN STATE BOARD OF EDUCATION
REGARDING TESTING OF LIMITED ENGLISH PROFICIENT STUDENTS

Accountability Workbook

Dr. Jeremy Hughes, Chief Academic Officer and Deputy Superintendent, said that the Michigan Department of Education submitted its Consolidated State Application Accountability Workbook to the U.S. Department of Education on January 31, 2003. Dr. Hughes said the Accountability Workbook contains the state's plan for implementation of the assessment, accountability, and calculation of adequate yearly progress. He said this is a progress report, and the final plan is due to the United States Department of Education May 1, 2003.

Dr. Hughes said a peer review team visited the Michigan Department of Education on February 7, 2003, in order to provide the Department with an opportunity to do a page-by-page review of the Workbook, and respond to questions or concerns. Dr. Hughes said the Department has not received the official written review of the Accountability Workbook, however the peer review team offered the following points and questions for consideration:

- (1) Mr. Watkins wrote a cover letter to the United States Secretary of Education asking that Michigan be allowed to recalculate the adequate yearly progress reports of all prior years based upon the Board's new definition of adequate yearly progress. Dr. Hughes said that would mean the reports would focus on reading and math, rather than reading, math, science and writing. Dr. Hughes said the peer review team did not respond to the request, because it is a policy issue to be answered by the Secretary of Education.
- (2) What are the sanctions for non-Title I schools that are not making adequate yearly progress?
- (3) What does the draft of the final report card for adequate yearly progress look like?
- (4) What assessments will be used to determine adequate yearly progress for schools in which the Michigan Educational Assessment Program (MEAP) test is not administered?

- (5) What is the rationale for determining 30 as the minimum size for a subgroup in order for the scores to be included in adequate yearly progress?
- (6) How will specialized schools (i.e., alternative, special education, incarcerated) be included in assessments to measure adequate yearly progress? Dr. Hughes said if a child is being educated by the state, the No Child Left Behind Act requires that they be included.
- (7) Which school district will claim the scores of students in specialized schools?
- (8) What is the system of rewards for schools that make adequate yearly progress to offset sanctions for schools that don't make adequate yearly progress?
- (9) What is the definition of full academic year?
- (10) What is the definition of graduation rate?
- (11) What is the definition of attendance rate?

Mrs. Weiser said it may be beneficial to track the progress of students as they move between districts.

Mrs. Gire asked what mechanisms are in place to assess kindergarten through second grade students. Dr. Hughes said that several assessments are in place, including Michigan Literacy Progress Profile (MLPP).

Mrs. Gire asked if Michigan is being allowed to use the student's second MEAP test score. Dr. Hughes said it is written into the Accountability Workbook, however approval has not yet been granted.

Mr. Austin said the public needs clarification on the unified accountability system, and the tiered system that differentiates between schools that may receive a grade of A on Michigan's *Education YES!* accreditation system, however did not make adequate yearly progress and therefore receive a grade of B as defined by No Child Left Behind.

Mrs. Gutierrez said some schools have reported highly transient populations, and care needs to be taken to serve these students.

Testing of Limited English Proficiency Students

Dr. Hughes said that at its January 23, 2003 meeting, the Board approved a policy allowing local school districts to exempt from the MEAP students who have been in United States schools for less than three years whose limited English proficiency was determined likely to result in invalid or unreliable scores. The Board understood that such a resolution could jeopardize compliance with Michigan's timeline waiver under

the Elementary and Secondary Education Act of 1994, but took such action in the interests of Michigan's limited English student population. In addition, the Board directed that alternative tests be developed for limited English proficient students, in the native languages of students or in simplified English.

Dr. Hughes said that in order to be in compliance with the timeline waiver, which expires on February 28, 2003, testing of limited English proficient children will begin on February 28, 2003. Holland Public Schools, Kentwood Public Schools, Dearborn Public Schools, and Warren Consolidated Schools have agreed to administer the tests on February 28, 2003, to limited English Proficient children who were excused from the MEAP test.

Mr. Watkins distributed a copy of a letter from Dr. Eugene Hickok, The Under Secretary, United States Department of Education, dated February 26, 2003, regarding Michigan's timeline waiver as it relates to limited English proficient children.

Mrs. Gire moved, seconded by Mrs. Curtin, that the State Board of Education adopt the Proposed Resolution Regarding Testing of Limited English Proficient Students dated February 27, 2003, and presented by Dr. Hughes.

Mrs. Gire said the federal government has stated that Michigan policy is overridden by federal No Child Left Behind legislation. She said she has strong concerns about the reliability and validity of tests used for assessing children who have very limited understanding of English. She said that she is concerned for magnet schools that focus on limited English proficient schools. She said she believes this will discredit *Education YES!* and the goals of No Child Left Behind.

Dr. Moyer said he agrees with Mrs. Gire and looks forward to further discussion on No Child Left Behind at the March 27, 2003 Board meeting.

Mrs. Bauer publicly thanked the following school districts for their keen sense of awareness of the educational needs of children, and their willingness to administer the test to limited English proficient students on February 28, 2003: Holland Public Schools, Kentwood Public Schools, Dearborn Public Schools, and Warren Consolidated Schools.

Mrs. McGuire said it is up to the Board to be an advocate for limited English proficient students, and she will be voting no on the motion.

Mrs. Gire said there are financial penalties for non-compliance with federal legislation, and it is important to have resources to provide intervention.

Mr. Watkins thanked Dr. Hughes and his colleagues for their work on this issue. He then invited comments from the audience prior the Board voting on the motion.

Ms. Linda Myers, Michigan Education Association, thanked Dr. Hughes for keeping groups outside of the Department well informed. She said she believes that the Board made the correct decision at its January 23, 2003 meeting and is making the correct decision at this meeting.

Mr. Roger Swaim, Michigan Elementary and Middle School Principals Association, asked what is the last date by which all students must be tested. Dr. Hughes said March 31, 2003 would be the last day for testing.

Dr. Hughes thanked Ms. Marilyn Roberts and the MEAP staff for their support.

Dr. Olga Moir, Michigan Association for Supervision and Curriculum Development, thanked Dr. Hughes for keeping them informed, and inviting comments.

Mrs. Gire asked if limited English proficient children entering the country during fall, 2003, who are not present for the full academic year, will be required to take the test and be part of the 95% participation rate. Dr. Hughes said he will bring that information to the Board at a later date.

Mrs. Straus said the Board is passing this resolution to clarify the previous resolution, and she thanked Board members, staff from the Departments of Education and Treasury, and school district staff for their efforts and dedication to the education of limited English proficient children. Mr. Watkins added thanks to the staff of the United States Department of Education.

The vote was taken on the motion.

Ayes: Austin, Bauer, Curtin, Gire, Moyer, Straus, Weiser
Nay: McGuire

The motion carried.

The policy, as adopted, is attached as Exhibit A.

X. APPROVAL OF REVISED POLICY FOR THE APPOINTMENT OF SURROGATE PARENTS FOR SPECIAL EDUCATION SERVICES

Dr. Jacquelyn Thompson, Director, Office of Special Education and Early Intervention Services; and Mr. Ron Greiner, Complaint and Compliance Supervisor, Office of Special Education and Early Intervention Services; presented Approval of Revised Policy for the Appointment of Surrogate Parents for Special Education Services.

Dr. Thompson said that new administrative rules for special education were effective on June 6, 2002. She said changes to the rules made it necessary to update the Policy for the Appointment of Surrogate Parents for Special Education Services. She said under the regulations implementing the Individuals with Disabilities Education Act,

the Department held public hearings to seek public comment on changes made to several of the state's special education policies and procedures, including this policy. Dr. Thompson said the Special Education Advisory Committee recommends that the Board approve the policy revisions that were made based on public comment and review.

Mrs. Bauer moved, seconded by Mrs. Weiser, that the State Board of Education approve the Revised Policy for the Appointment of Surrogate Parents for Special Education Services, Attachment B to the Superintendent's memorandum dated February 12, 2003.

The motion carried unanimously.

XI. UPDATE ON LEGISLATIVE ACTIVITIES AND UPDATE ON STATE AID PRORATION

Legislative Activities

Ms. Kate McAuliffe, Assistant Superintendent, Government Services and Customer Satisfaction, presented Update on Legislative Activities; and Ms. Elaine Madigan, Assistant Superintendent, presented Update on State Aid Proration.

Ms. McAuliffe said there are 50 freshman legislators in the House of Representatives and 32 new members in the Senate. She said the Department has been asked to testify on six different occasions. Ms. McAuliffe said the federal issues under No Child Left Behind that affect Adequate Yearly Progress, testing of limited English proficient students, teacher quality issues, the use of paraprofessionals in Title I programs, school readiness issues and reading grants, were the topics requested of Department staff. Ms. McAuliffe said testimony has also been presented on *Education YES!* and the state assessment for students with disabilities.

Ms. McAuliffe said there is a revised version of last year's Public School Academy legislation (House Bill 4148), as well as an Educational Flexibility and Empowerment bill (Senate Bill 71), that have been introduced.

State Aid Proration

Ms. Madigan said the Department has been working diligently with the State Budget Office on budget reductions for fiscal year 2003. Ms. Madigan said the severity of the budget situation for fiscal years 2003 and 2004 is placing great hardship on state government. Since fiscal year 2001, the Department's general fund administrative budget has been reduced by 55%. Ms. Madigan said it is now more important than ever to focus on the core mission of lifting up underperforming schools and students and set aside unrelated tasks.

Ms. Madigan also reviewed scenarios for State School Aid funding.

Mrs. McGuire left the meeting at 3:30 p.m..

Mrs. Straus moved, seconded by Mr. Austin, that the State Board of Education communicate and work with the Legislative and Executive branches of government to support policies that advance the Board's Strategic Goal for 2003-2004, "attain substantial and meaningful improvement in academic achievement for all students/children with primary emphasis on chronically underperforming schools and students."

Ayes: Austin, Bauer, Curtin, Gire, Moyer, Straus, Weiser

Absent: McGuire

The motion carried.

Mrs. Straus thanked Ms. McAuliffe for her many years of dedicated service to the Department of Education and joined the Board in wishing her many happy years of retirement.

XII. DISCUSSION REGARDING 2004 NASBE BOARD OF DIRECTORS NOMINATIONS

On behalf of Mrs. McGuire, Mrs. Gire is presenting Discussion Regarding 2004 National Association of State Boards of Education (NASBE) Nominations.

Mrs. Gire said State Boards of Education have been asked to submit nominations for the 2004 President, President-elect, Secretary-Treasurer, and Area Director of NASBE.

Mrs. Gire moved, seconded by Mrs. Curtin, that Dr. Herbert S. Moyer be recommended for nomination as the Central Area Director of NASBE.

Ayes: Austin, Bauer, Curtin, Gire, Moyer, Straus, Weiser

Absent: McGuire

The motion carried.

Mrs. Gire moved, seconded by Mrs. Curtin, that Congressman Dale E. Kildee and Congressman Vernon J. Ehlers be jointly recommended for nomination for Policy Leader of the Year.

Ayes: Austin, Bauer, Curtin, Gire, Moyer, Straus, Weiser

Absent: McGuire

The motion carried.

Mrs. Gire moved, seconded by Mrs. Curtin, that Mrs. Kathleen N. Straus be recommended for nomination for the Distinguished Service Award.

Ayes: Austin, Bauer, Curtin, Gire, Moyer, Weiser

Abstain: Straus

Absent: McGuire

The motion carried.

Mrs. Gire said there is an additional award titled Friend of Education, for non-traditional nominees from business, the arts, entertainment, or sports. Mrs. Gire said nominations for that category may be made by contacting Mrs. McGuire.

XIII. CONSENT AGENDA

- D. Approval of the Model Standards for Out-of-School Time Programs in Michigan
- E. Adoption of Resolution Honoring John L. Williams
- F. Adoption of Resolution Honoring Virginia R. Harmon
- G. Adoption of Resolution Regarding Parenting Awareness Month
- H. Adoption of Resolution Regarding National Science Teachers Association 50th Anniversary
- X. Adoption of Resolution Honoring Susan Perkowski Anderson
- Y. Adoption of Resolution Honoring Kathleen (Kate) McAuliffe
- Z. Adoption of Resolution Honoring Dorothy (Dot) VanLooy

Mr. Austin moved, seconded by Mrs. Bauer, that the State Board of Education approve the consent agenda as follows:

- D. **approve the Model Standards for Out-of-School Time Programs in Michigan, as attached to the Superintendent's memorandum dated February 12, 2003;**
- E. **adopt the resolution attached to the Superintendent's memorandum dated February 12, 2003, honoring John L. Williams;**
- F. **adopt the resolution attached to the Superintendent's memorandum dated February 21, 2003, honoring Virginia Harmon;**

- G. adopt the resolution attached to the Superintendent's memorandum dated February 27, 2003, proclaiming March as Parent Awareness Month;**
- H. adopt the resolution attached to the Superintendent's memorandum dated February 12, 2003, Regarding National Science Teachers Association 50th Anniversary;**
- X. adopt the resolution attached to the Superintendent's memorandum dated February 21, 2003, honoring Sue Perkowski Anderson;**
- Y. adopt the resolution attached to the Superintendent's memorandum dated February 21, 2003, honoring Kathleen McAuliffe; and**
- Z. adopt the resolution attached to the Superintendent's memorandum dated February 21, 2003, honoring Dorothy VanLooy.**

The vote was taken on the motion.

Ayes: Austin, Bauer, Curtin, Gire, Moyer, Straus, Weiser
Absent: McGuire

The motion carried.

The resolution honoring John L. Williams, is attached as Exhibit B.

The resolution honoring Virginia Harmon, is attached as Exhibit C.

The resolution proclaiming March as Parent Awareness Month, is attached as Exhibit D.

The resolution regarding National Science Teacher Association 50th Anniversary, is attached as Exhibit E.

The resolution honoring Sue Perkowski Anderson, is attached as Exhibit F.

The resolution honoring Kathleen McAuliffe, is attached as Exhibit G.

The resolution honoring Dorothy VanLooy, is attached as Exhibit H.

XIV. REPORT OF THE SUPERINTENDENT

Reports

- I. Report on Human Resources**
- J. Report on the Alpena-Montmorency-Alcona Intermediate School District Plan for the Delivery of Special Education Program and Services**

- K. Report on Approval of Special Education Procedures
- L. Report on Request for Consolidation of Atherton Community Schools and Bentley Community Schools
- M. Approval of Proposal from Lake Superior State University for a New Computer Science (NR) Program as a Minor at the Elementary Level, and as a Major and a Minor at the Secondary Level
- N. Update on the No Child Left Behind Act Activities and Information State Board of Education's Responsibilities and Time Line
- O. Report on Approval of Initial Supplemental Educational Service Providers
- V. Report on Teacher Certification Revocation
- W. Report on Property Transfers

Grants

- P. 2002-2003 State Funded Michigan School Readiness Competitive Grant Program – Amendment
- Q. 2001-2002 Special Projects Grants Under Centers for Disease Control and Prevention Funding: School Health Programs to Prevent Serious Health Problems and Improve Educational Outcomes – Amendment
- R. 2001-2002 Title II, Dwight D. Eisenhower Professional Development Program – Amendment
- S. 2002-2003 National Board for Professional Teaching Standards Candidate Subsidy Grants – Amendment
- T. 2002-2003 Refugee Children School Impact Grant – Continuation
- U. 2002-2003 United States Department of Education, Charter School Grant Program – Initial
- AA. 2002-2003 Off-Road Vehicle Rider and Safety Education Program - Initial

Mr. Watkins distributed copies of “Superintendent’s Report” dated February 27, 2003.

Mr. Watkins said that Ms. Pam Wong, Chief of Staff, Michigan Department of Education, attended the Governor’s cabinet meeting today (February 27, 2003). He said it was reported that all the Governors in attendance at the National Governor’s

Association meeting held February 21-23, 2003 committed to lobby Congress for full funding of No Child Left Behind (NCLB) and Individuals with Disabilities Education Act (IDEA).

XV. COMMENTS BY STATE BOARD OF EDUCATION MEMBERS

There were no comments offered by State Board of Education members.

XVI. TENTATIVE AGENDA FOR NEXT MEETING

In response to Mrs. Gire, Mr. Watkins said that the persistently dangerous schools policy will be presented at the March 27, 2003, meeting.

Mrs. Bauer said she has met with Ms. Nannette Bowler, Director, Family Independence Agency, and would like a future agenda item on education of incarcerated students in institutions. Mrs. Bauer said she will provide Ms. Bowler and Mr. Watkins with information from other states that have successfully educated children in the community with an array of support in a cost-effective manner. Mr. Watkins said Dr. Jacquelyn Thompson, Director, Office of Special Education and Early Intervention Services; and Dr. Donald Weatherspoon, Assistant Superintendent, Office of Safe Schools; have also met with the Family Independence Agency.

Mrs. Straus requested that the Board receive a preliminary report on teacher quality and paraprofessional quality at the next meeting.

Mrs. Gire asked if the State Board will be meeting outside of the Lansing area for future meeting dates. Mr. Watkins said it is important to meet outside of the Lansing area so that the public can be engaged in Education policy. Mrs. Gire suggested that the districts serving limited English proficient students may be good locations to meet.

XVII. FUTURE MEETING DATES

- A. April 24, 2003
- B. May 22, 2003
- C. June 26, 2003
- D. July 24, 2003

XVIII. ADJOURNMENT

The meeting adjourned at 4:00 p.m.

Respectfully submitted,

Carolyn L. Curtin
Secretary